

RESOLUTION NO. 2012-73

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE  
MUNICIPAL EMPLOYEES' ASSOCIATION (MEA), BY ADOPTING THE SIDE LETTER OF  
AGREEMENT**

WHEREAS, the City of Huntington Beach elects to implement a holiday closure for the period December 24, 26, 27, 28, and 31, 2012, which will result in City Hall and other City of Huntington Beach operations being closed to the public over the entire closure period; and

WHEREAS, on November 19, 2007, the City Council of Huntington Beach adopted Resolution No. 2007-85 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA);

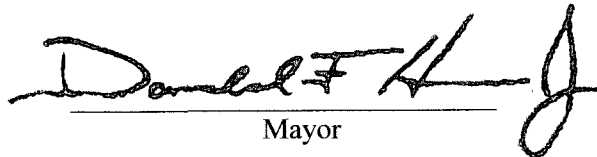
Subsequent to the adoption of the MOU, the City of Huntington Beach and MEA agreed to changes, corrections, and clarifications to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and MEA ("Side Letter Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter Agreement pertains to Holiday Closure.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Huntington Beach as follows:

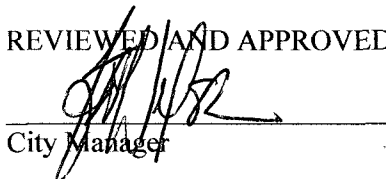
Section 1. The Side Letter Agreement attached hereto as **Exhibit A** is approved and adopted.

Section 2. The Side Letter Agreement amends the MOU between the City of Huntington Beach and MEA.

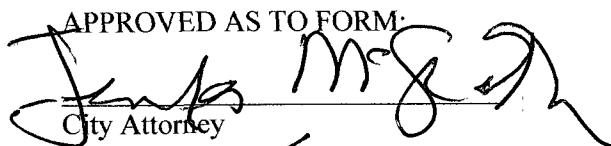
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 15th day of October, 2012.

  
Mayor

REVIEWED AND APPROVED:

  
City Manager

APPROVED AS TO FORM:

  
City Attorney

INITIATED AND APPROVED:

  
Director of Human Resources

**City of Huntington Beach  
SIDE LETTER AGREEMENT**

Representatives of the Municipal Employees' Association ("MEA") and the City of Huntington Beach ("CITY")  
hereby agree to the following terms related to the MEA MOU with respect to the following:

**Article IX – HOURS OF WORK/OVERTIME**

**A. Work Schedule**

**4. Holiday Closure**

December 24, 26, 27, 28, and 31, 2012, will be known and referred to as "Holiday Closure" for the dates specified.

Employees will not report to work during the "Holiday Closure" and all employees will be required to take up to forty-four (44) hours of time off (dependent upon the employee's work schedule).

Employees may elect time off without pay (furlough) or employees may use approved leave accruals (general leave or compensatory time) to account for the time away from work during the "Holiday Closure."

The City may require or permit, at the discretion of the department head, certain employees to work a regular or partial schedule on one or more of the "Holiday Closure" days. (12/24/12, 12/26/12, 12/27/12, 12/28/12, 12/31/12).

**a. Time Accounting**

- i. Members of this unit will be required to account via payroll, for the appropriate time associated with the "Holiday Closure."
- ii. The payroll accounting of the "Holiday Closure" will include, but is not limited to, furlough, use of approved leave accruals (general leave or compensatory time) or alternative equivalent time taken in-lieu of the specific "Holiday Closure" dates referenced herein. Payroll accounting for the "Holiday Closure" not specifically listed herein must be approved by the City Administrator or designee.
- iii. Employees required or permitted to work during any period of the "Holiday Closure" will be paid their regular salary for the hours worked, and will be required to account for all remaining "Holiday Closure" hours via furlough, use of approved leave accruals (general leave or compensatory time), or alternative equivalent time taken in-lieu of the specific "Holiday Closure" dates worked.
- iv. The payroll accounting methods listed herein may be used in any approved combination for a period not to exceed six-months or the end of the pay period ending July 05, 2013, whichever is later.

- v. Employees without adequate leave accruals may borrow against future accruals earned – up to and including time accrued as of the end of the pay period ending July 05, 2013.
- vi. All "Holiday Closure" hours are to be accounted for via payroll within six-months or the end of the pay period ending July 05, 2013.
- vii. Any "Holiday Closure" hours not voluntarily accounted for via payroll as of the end of the pay period ending July 05, 2013, shall be accounted for in the following order until a zero-balance is achieved:
  - 1. General Leave
  - 2. Compensatory Time
  - 3. Furlough Hours
- viii. Employees separating from City service must reconcile all unaccounted "Holiday Closure" hours at time of separation. Time will be accounted for in the following order until a zero-balance is achieved:
  - 1. General Leave
  - 2. Compensatory Time
  - 3. Furlough Hours
- ix. Payroll accounting of the "Holiday Closure" by furlough shall not impact service for purposes of seniority, shall not affect probationary periods, and shall not affect health or retirement benefits.

b. Scheduling - New Years Day – Flex Day/Holiday Substitute

Employees assigned to Schedule A flex schedule may select an alternative flex day in lieu of Friday, December 28, 2012, within the pay period of 12/22/12 – 01/04/13. The alternative flex day may not include 12/24/12, 12/26/12, 12/27/12, 12/28/12 or 12/31/12.


- i. All provisions pursuant to MEA MOU Exhibit E – Leave Benefits 4(a) and 4(b) shall apply.
- ii. All provisions pursuant to MEA MOU Exhibit F – Leave Benefits 4(a) and 4(b) shall apply.

Side-Letter Implementation

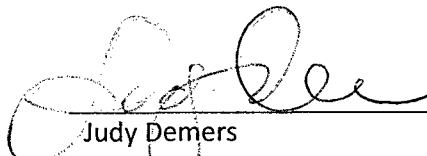
The parties agree that this side-letter agreement and the implementation thereof will not be subject to Personnel Rule 19 – Grievance Procedure/Non-Disciplinary Matters nor Article XIV-Miscellaneous (A) – Grievance Arbitration, or otherwise appealed either administratively or in a court of competent jurisdiction.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on OCTOBER 15, 2012.

**Huntington Beach  
Municipal Employees' Association**


*in care of Gregorio Daniel*  
  
 \_\_\_\_\_  
 Gregorio Daniel  
 Teamsters 911

Dated: \_\_\_\_\_

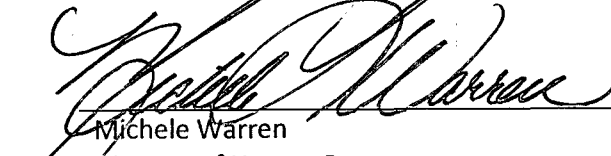
  
 \_\_\_\_\_  
 Judy Demers  
 MEA President

Dated: 10/9/12

**City of Huntington Beach**

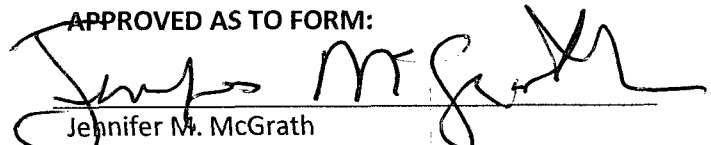
  
 \_\_\_\_\_  
 Fred A. Wilson  
 City Manager

Dated: 10/16/2012

  
 \_\_\_\_\_  
 Michele Warren  
 Director of Human Resources

Dated: 9/25/10

**APPROVED AS TO FORM:**

  
 \_\_\_\_\_  
 Jennifer M. McGrath  
 City Attorney

Dated: 10/9/12

STATE OF CALIFORNIA  
COUNTY OF ORANGE                     ) ss:  
CITY OF HUNTINGTON BEACH        )


I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **October 15, 2012** by the following vote:

**AYES:** Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, Boardman

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California